

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA

DUBLIN DIVISION

RANDY LEE CAPEHART,

Plaintiff,

v.

GEORGIA DEPT. OF CORRECTIONS  
and WHEELER CORRECTIONAL  
FACILITY,

Defendants.

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CV 322-171

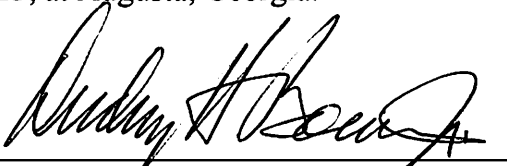
**ORDER**

After a careful, *de novo* review of the file, the Court concurs with the Magistrate Judge's Report and Recommendation, to which no objections have been filed. The Magistrate Judge recommended dismissing the case without prejudice because Plaintiff did not submit an amended complaint as directed on December 5, 2022. (See doc. nos. 6, 7.) In response to the recommendation for dismissal, Plaintiff informed the Court he had been released from prison on January 12, 2023, and submitted copies of a grievance and a one-sentence statement about the Eighth Amendment prohibiting cruel and unusual punishment. (See doc. no. 9.) Plaintiff did not explain why he failed to respond in a timely fashion to the order to amend. Nor did Plaintiff submit his claims with the necessary factual detail on the complaint form attached to that order to amend. (See doc. nos. 6, 6-1.)

U.S. DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
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SO. DIST. OF GA.

The Magistrate Judge provided Plaintiff with an opportunity to cure his pleading deficiencies and warned him that failing to submit an amended complaint in accordance with the instructions provided in that order would be an election to have his case voluntarily dismissed. (See doc. no. 6.) Plaintiff did not submit an amended complaint. Accordingly, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge as its opinion, **DISMISSES** this case without prejudice, and **CLOSES** this civil action.

SO ORDERED this 27<sup>th</sup> day of January, 2023, at Augusta, Georgia.

  
UNITED STATES DISTRICT JUDGE